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Paper No. 12

In re Application of  
Robert J. Cottone, Jr. et al  
Serial No. : 09/862,690  
Filed : May 22, 2001  
For : Self-Expanding Stent

: DECISION ON PETITION  
: TO WITHDRAW  
: HOLDING OF  
: ABANDONMENT  
:

This is a decision on petitioner's request filed May 15, 2003, to review the holding of abandonment mailed June 3, 2003 for failure to respond to the Office action mailed October 3, 2002. There is no fee required for this petition.

In support of the request, petitioner has submitted a copy of an amendment that included a three-month extension of time request, the amendment bearing a certificate of facsimile transmission dated April 3, 2003. Petitioner has also included a copy of a facsimile transmission report confirming transmission of the papers in question on April 3, 2003

In view of the above, the Notice of Abandonment mailed June 3, 2003 is in error and is hereby vacated. The holding of abandonment is withdrawn. Upon the mailing of this decision, the application will be forwarded to the Examiner via the Legal Instruments Examiner for entry and consideration of the response filed April 3, 2003.

In response to applicants' concern regarding receipt of a Supplemental Information Disclosure Statement submitted May 13, 2003, it is noted that the IDS was indeed received May 15, 2003 and is in the file.

Summary: Holding of Abandonment Withdrawn.

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